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RESOLUTION NO. R- 57 -04

Whereas, on the 6th day February, 2003, a Continuous Occupancy Agreement was made among the Unified Government of Wyandotte/Kansas City, Kansas, RED Speedway, Inc, and the Ehlert Development Corporation concerning the operation by Ehlert Development Corporation of a minor league baseball stadium; and

Whereas, Ehlert covenanted and agreed in Paragraph 3Hix to donate 50 cents for each ticket sold for entry to the stadium to the Parks and Recreations Department of the Unified Government; and

Whereas, the parties desire that the Agreement be amended to allow the donation to be made to the Community Foundation of Wyandotte County to fund Parks and Recreation initiatives.

BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS:

Section 1. That the governing body of the Unified Government hereby approves in substantially the form presented to and reviewed by it at this meeting (a copy of which shall be filed in the records of the Unified Government) the Amendment to the Continuous Occupancy Agreement among the Unified Government of Wyandotte County/Kansas City, Kansas, RED Speedway Inc., and Ehlert Development Corporation.

Section 2. The Unified Government is hereby authorized to execute and deliver the Amendment to the Continuous Occupancy Agreement with such changes therein as shall be approved by the County Administrator, his signature thereon being conclusive of his approval thereof. The Continuous Occupancy Agreement shall required the advisory committee (TURF Council) to (1) consult with Park Board from time to time on the expenditure of funds and (2) give to an annual report on fund expenditures to the entire community.

Section 3. The Unified Government, the Mayor/Chief Executive Officer, the County Administrator and the Unified Government's other officers, agents and employees are hereby authorized and directed to take such further action, and to execute the deed, such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE COUNTY/
~~KANSAS CITY, KANSAS, THIS 3 DAY OF JUNE, 2004.~~

Carol Marinovich
Carol Marinovich, Mayor/CEO

Attest:

Tom G. Roberts
Unified Government Clerk

Approved as to form:

N. Cason Boudreau
N. Cason Boudreau
Deputy Chief Counsel

**T-Bones Uncommitted Recreation Fund
(TURF)**

Following are options for consideration relating to the handling of a 50¢ per ticket surcharge imposed by the Kansas City T-Bones and donated to the Unified Government for recreational purposes. These options include a recommended custodian for the funds as well as the proposed makeup of a yet to be established Council whose purpose would be to determine the best use for expenditure of said funds.

History – The 50¢ surcharge is a deal point that was agreed upon with the T-Bones during negotiations of their development agreement. The intent of the donation was for it to be used toward a major recreation initiative to improve recreation opportunities for our community. A concern voiced initially was that the funds could someday be simply added to the Parks & Recreation budget for “normal” recreation costs, or could it be utilized by the Unified Government for budget shortfalls in this or any other area. To that end it was agreed that these funds should be kept separate from other UG funds.

Custodian of Funds

- Option 1) *Unified Government* – This was not considered a viable option, as it deviates from the original intent of the donation agreed upon by both parties.
- Option 2) *Wyandotte County Parks Foundation* – This option was considered as the Parks Foundation currently maintains funds raised for the construction and maintenance of the Korean/Vietnam Memorial at Wy Co Lake. The Parks Foundation is also raising funds to reimburse USD #500 for funds expended in conjunction with the Schlagle Environmental Library Project at the Lake. In previous agreements with the Parks Foundation, the Parks Foundation retains any interest earned on the funds. No other fee is charged. It was determined that the primary function of the Parks Foundation is fund-raising. They do not make decisions about how funds are expended that are not raised by them. Note: The Parks Foundation has transferred a portion of its funds to the Community Foundation.
- Option 3) *Wyandotte County Community Foundation* – This was determined to be the best option for depositing the TURF dollars. The Community Foundation would serve as convener of the TURF Council. An administrative fee of 1% of the fund balance is charged annually, with a minimum charge of \$700. Services associated with the fee include preparation of financial statements, IRS reporting requirements, and investment of the funds. All investment proceeds remain with the fund. Note: The Community Foundation indicated it has also identified Parks & Recreation initiatives as one of its priorities. This could provide an opportunity to partner our funds with others identified by the Foundation to accomplish major initiatives.

TURF Council

The Council would consist of 4-5 members with representation from the Unified Government, the Wyandotte County Parks Board, and the Kansas City T-Bones. This Council would have full authority in administering the use of said funds within a set of parameters established with the creation of the Council, which would include:

- Funds shall be used for major recreation initiatives with an emphasis on capital projects
- All projects shall be located within Wyandotte County
- Project bonding will be limited to five years
- Directors – Duties; Council appointments must be made within 30 days of the approval of the establishment of this fund. Notice of Council appointments or replacements should be directed to the UG Clerk.
- Frequency of meetings - Council will hold first meeting within 60 days of the establishment of this fund, and meet no less than annually after this time.
- Quorum - Three Council members must be present to conduct a meeting.
- Project funding approval requires three favorable votes.

Recommended Membership

It is recommended that membership of the TURF Council include representation of the Unified Government, Wy Co Park Board, Parks Foundation, and the T-Bones organization as follows:

- 1 – Unified Government Commissioner (designated by Mayor for two year term)
- 1 – Park Board President
- 1 – Parks Foundation President or his/her designee
- 1 – Director of Parks
- 1 – T-Bones representative